

**U.S. DISTRICT COURT**  
**U.S. District Court, Western District of New York (Buffalo)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-00309-EAW-HBS**

Community Justice Clinic et al v. Department of Justice et al  
Assigned to: Hon. Elizabeth A. Wolford  
Referred to: Hon. Hugh B. Scott  
Related Case: 1:19-cv-00370-EAW  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/07/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Community Justice Clinic**

represented by **A. Nicole Hallett**  
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**Plaintiff**

**Adham Amin Hassoun**

represented by **A. Nicole Hallett**  
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**Jonathan Matthew Manes**  
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**Plaintiff**

**Nicole Hallett**

represented by **A. Nicole Hallett**  
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**LEAD ATTORNEY**  
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**Jonathan Matthew Manes**  
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V.

**Defendant**

**Department of Justice**

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**Defendant****Department of Homeland Security**

represented by **Michael S. Cerrone**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/07/2019	<u>1</u>	COMPLAINT against Department of Homeland Security, Department of Justice \$ 400 receipt number 0209-3382589, filed by Community Justice Clinic, Nicole Hallett, Adham Amin Hassoun. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons (Department of Justice), # <u>7</u> Summons (Department of Homeland Security))(Manes, Jonathan) (Entered: 03/07/2019)
03/08/2019		Case assigned to Hon. Elizabeth A. Wolford. Notification to chambers of on-line civil opening. (KLH) (Entered: 03/08/2019)
03/08/2019		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at <a href="http://www.uscourts.gov/services-forms/forms">http://www.uscourts.gov/services-forms/forms</a> . (KLH) (Entered: 03/08/2019)
03/08/2019	<u>2</u>	Summons Issued as to Department of Homeland Security, Department of Justice. (KLH) (Entered: 03/08/2019)
04/22/2019	<u>3</u>	AFFIDAVIT of Service for Summons and Complaint served on Department of Justice, Department of Homeland Security, Attorney General, USAO-WDNY on 4/03/2019, filed by Community Justice Clinic. (Attachments: # <u>1</u> Exhibit Receipts of Certified Mail)(Manes, Jonathan) (Entered: 04/22/2019)
05/07/2019	<u>4</u>	STIPULATION <i>Extending Time to Answer or Appear</i> by Department of Homeland Security, Department of Justice. (Cerrone, Michael) (Entered: 05/07/2019)
05/08/2019	<u>5</u>	NOTICE of Appearance by Michael S. Cerrone on behalf of Department of Homeland Security, Department of Justice (Cerrone, Michael) (Entered: 05/08/2019)
05/08/2019	<u>6</u>	ORDER granting <u>4</u> Stipulation for an extension of time. The defendants time to answer will be until May 31, 2019. Signed by Hon. Elizabeth A. Wolford on 5/8/2019. (KM) (Entered: 05/09/2019)
05/30/2019	<u>7</u>	ANSWER to <u>1</u> Complaint, by Department of Homeland Security, Department of Justice.(Cerrone, Michael) (Entered: 05/30/2019)
05/30/2019	<u>8</u>	TEXT ORDER REFERRING CASE to Magistrate Judge Hon. Hugh B. Scott for all pretrial matters excluding dispositive motions. IT IS SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 5/30/2019. (KLH) (Entered: 05/30/2019)
05/31/2019	<u>9</u>	TEXT ORDER RE: Scheduling.  On or before 7/10/2019, the parties will meet and confer in good faith and then file a joint proposed discovery plan and schedule. Counsel are welcome to consider either of two general scheduling options.  If counsel believe that this case should follow discovery in the ordinary course then the joint plan will address the issues covered in Rules 16(c) and 26(f) and Local Rule 16(b); any issues not applicable to this case should be mentioned briefly as not applicable. The attached chambers guide includes a model scheduling order that will

		<p>help.</p> <p>Alternatively, counsel may propose a custom schedule under 5 U.S.C. § 552(a)(4)(B) if they believe that a custom schedule would be more appropriate.</p> <p>The Court will issue a Scheduling Order after receiving the joint plan.</p> <p>Under 28 U.S.C. § 636(c), the parties at any time may consent to have the Magistrate Judge adjudicate individual dispositive proceedings or all proceedings in this case, including a jury or non-jury trial and entry of final judgment. (<i>See also</i> Fed. R. Civ. P. 73.) The parties are encouraged to consider potential benefits of a Rule 73 consent, including earlier motion resolution and trial scheduling; however, there will be no adverse consequences at all should the parties decline.</p> <p>SO ORDERED. Issued by Hon. Hugh B. Scott on 5/31/2019. (GAI) (Entered: 05/31/2019)</p>
08/23/2019	10	NOTICE of Hearing: Status Conference set for 8/28/2019 at 02:00 PM before Hon. Hugh B. Scott. (GAI) (Entered: 08/23/2019)
08/26/2019	<u>11</u>	MOTION to Adjourn (Letter) filed by Department of Justice, Department of Homeland Security as to Department of Justice, Department of Homeland Security . (Roach, Mary) Modified on 8/26/2019 to reclassify as a motion (GAI). (Entered: 08/26/2019)
08/26/2019	12	<p>TEXT ORDER granting <u>11</u> Motion to Adjourn Status Conference.</p> <p>The status conference will occur on 9/4/2019 at 2:30 PM.</p> <p>SO ORDERED. Issued by Hon. Hugh B. Scott on 8/26/2019. (GAI) (Entered: 08/26/2019)</p>
08/26/2019		***Status Conference set for 9/4/2019 02:30 PM before Hon. Hugh B. Scott.(GAI) (Entered: 08/26/2019)
09/04/2019	<u>13</u>	NOTICE of Appearance by A. Nicole Hallett on behalf of All Plaintiffs (Hallett, A.) (Entered: 09/04/2019)
09/04/2019	14	<p>Minute Entry for proceedings held before Hon. Hugh B. Scott: Status Conference held on 9/4/2019.</p> <p>Parties update Court about events in this case and in parallel habeas case. Deft asks for 30 days before scheduling conference to confer with agencies about pending FOIA requests.</p> <p>Scheduling Conference set for 10/8/2019 10:00 AM.</p> <p>APPEARANCES: N. Hallett (P); M. Cerrone (D). (Court Reporter FTR Gold.) (GAI) (Entered: 09/04/2019)</p>
10/01/2019	15	<p>TEXT ORDER RE: Scheduling.</p> <p>Due to a calendar conflict, next week's Scheduling Conference is re-set for 10/9/2019 at 10:30 AM.</p> <p>SO ORDERED. Issued by Hon. Hugh B. Scott on 10/1/2019. (GAI) (Entered: 10/01/2019)</p>
10/02/2019	<u>16</u>	MOTION to Continue by Community Justice Clinic, Nicole Hallett, Adham Amin Hassoun.(Hallett, A.) (Entered: 10/02/2019)
10/02/2019	17	<p>TEXT ORDER granting <u>16</u> Motion to Continue.The Scheduling Conference will occur on 10/10/2019 at 2:00 PM.</p> <p>SO ORDERED. Issued by Hon. Hugh B. Scott on 10/2/2019. (GAI) (Entered: 10/02/2019)</p>

10/02/2019		***Scheduling Conference set for 10/10/2019 02:00 PM before Hon. Hugh B. Scott. (GAI) (Entered: 10/02/2019)
10/07/2019	<u>18</u>	DISCOVERY PLAN by Community Justice Clinic, Nicole Hallett, Adham Amin Hassoun.(Hallett, A.) (Entered: 10/07/2019)
10/10/2019	<u>19</u>	STUDENT PRACTICE ORDER for Erin Barry representing plaintiffs. Signed by Hon. Hugh B. Scott on 10/10/2019. (GAI) (Entered: 10/10/2019)
10/10/2019	<u>20</u>	STUDENT PRACTICE ORDER for Richard K. Barney III representing plaintiffs. Signed by Hon. Hugh B. Scott on 10/10/2019. (GAI) (Entered: 10/10/2019)
10/10/2019	<u>21</u>	STUDENT PRACTICE ORDER for Colton Kells representing plaintiffs. Signed by Hon. Hugh B. Scott on 10/10/2019. (GAI) (Entered: 10/10/2019)
10/10/2019	<u>22</u>	STUDENT PRACTICE ORDER for Andrew Kij representing plaintiffs. Signed by Hon. Hugh B. Scott on 10/10/2019. (GAI) (Entered: 10/10/2019)
10/10/2019	<u>23</u>	STUDENT PRACTICE ORDER for Marline Paul representing plaintiffs. Signed by Hon. Hugh B. Scott on 10/10/2019. (GAI) (Entered: 10/10/2019)
10/10/2019	<u>24</u>	STUDENT PRACTICE ORDER for Jesselyn Zailac representing plaintiffs. Signed by Hon. Hugh B. Scott on 10/10/2019. (GAI) (Entered: 10/10/2019)
10/10/2019	25	<p>Minute Entry for proceedings held before Hon. Hugh B. Scott: Scheduling Conference held on 10/10/2019.</p> <p>Parties review with Court the number of document pages identified by named agencies. Parties inform Court that unnamed agencies have identified 1473 pages.</p> <p>Parties advise Court of potential issue involving amended pleadings: Document review might uncover a desire by plaintiffs to amend pleadings to add defendants.</p> <p>Plaintiffs urge Court to adopt deadlines proposed in Dkt. No. 18 and object to a longer timeframe. Defendants would add 30–45 days to each deadline proposed by plaintiffs. Court reserves decision and advises parties that defendants' proposed schedule would come in exchange for a refusal to grant any further extensions.</p> <p>APPEARANCES: J. Manes with student practitioner Erin Barry (P); M. Cerrone and D. Coriell (D). (Court Reporter FTR Gold.) (GAI) (Entered: 10/10/2019)</p>
10/10/2019	26	<p><b>TEXT SCHEDULING/CASE MANAGEMENT ORDER.</b></p> <p>Defendants must release to Plaintiffs all documents (or portions thereof) responsive to plaintiffs' Freedom of Information Act requests that Defendants determine are not exempt from disclosure on or before December 20, 2019.</p> <p>All motions to join other parties and to amend the pleadings must be filed on or before January 17, 2020.</p> <p>Defendants must provide to Plaintiffs their <i>Vaughn</i> filing, or a draft thereof, whether in declaration format or otherwise, on or before February 28, 2020.</p> <p>Plaintiffs must identify challenges, if any, to Defendant's determinations on or before March 27, 2020.</p> <p>Dispositive motions, if any, must be filed on or before April 30, 2020.</p> <p><b>Barring extraordinary circumstances, no extensions of the above deadlines will be permitted.</b></p> <p>The parties are welcome to contact the Court anytime to request a status conference if they believe that a status conference will help resolve the litigation.</p> <p>SO ORDERED. Issued by Hon. Hugh B. Scott on 10/10/2019. (GAI) (Entered: 10/10/2019)</p>